

REMARKS

In response to a Notice of Non-Compliant Amendment mailed February 3, 2006, the status of Claim 23 has now been properly indicated as “previously presented.” The remaining portion of this response is directed to the previous Office Action mailed September 22, 2005.

Applicant respectfully requests further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1-18 and 20, 21, 23-32, 43 and 44 were previously pending in this application. Claims 1-18, 43 and 44 have been rejected and Claims 20, 21 and 23-32 have been allowed. By way of the amendment Claims 1, 43 and 44 have been amended Claims 5 and 7 have been canceled. Accordingly, Claims 1-4, 6, 8-18, 20, 21, 23-32, 43 and 44 are now pending in this application.

Rejections Under 35 U.S.C. § 103(a)

Within the Office Action, Claims 1-7, 9-11, 13-16, 18, 43 and 44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,795,153 to Rechmann (hereafter “Rechmann”) in view of U.S. Patent No. 6,506,563 to Ward et al. (hereafter “Ward et al.”); Claims 8 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rechmann, in view of Ward et al., and further in view of U.S. Patent No. 6,019,505 to Myers (hereafter “Myers”); and Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rechmann, in view of Ward et al., and further in view of U.S. Patent No. 6,462,070 to Hasan et al. (hereafter “Hasan et al.”). The rejections of Claims 1-4, 6, 8-18, 20, 21, 23-32, 43 and 44 under 35 U.S.C. § 103(a), cited above, are considered moot in view of the above amendments.

Specifically, each of the independent Claims 1 and 43 now recites eradicating a pathogen within the periodontal pocket by irradiating through an amount of target tissue, which is similar the elements recited in the allowed independent Claim 20.

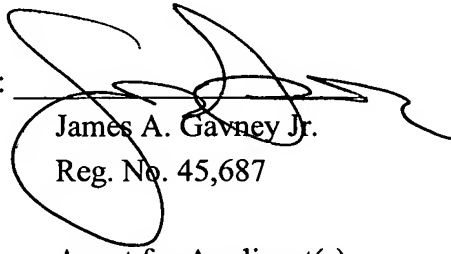
Claims 5 and 7 have been canceled.

Claims 2-4, 6, 8-18, 20, 21 and 23-32 all depend on the independent Claim 1 and Claim 44 depends on the independent Claim 43. As described above, the independent Claims 1 and 43 are now in condition for allowance. Accordingly, Claims 2-4, 6, 8-18, 20, 21, 23-32 and 44 are also all allowable as depending from an allowable base claim.

For the reasons given above, Applicant respectfully submits that Claims 1-4, 6, 8-18, 20, 21, 23-32, 43 and 44 are now in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 2/9/2006

By: 
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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 2-9-06 By: 